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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,385	11/16/2000	John R. Kochan JR.	MPP 29.1 US	9801

24628 7590 12/02/2002

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CHICAGO, IL 60606

EXAMINER

VO, HIEN XUAN

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/714,385

Applicant(s)

KOCHAN ET AL. 

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32, 34-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-32 and 34-38 are presented for examinations.
2. The text of those section of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
3. Claims 1-32 and 34-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wissenbach et al. (U.S. Patent No. 5,633,809).

With respect to claim 1, Wissenbach et al. disclose a multi-function flow monitoring apparatus with area velocity sensor capability including a control circuitry, circuitry for storing a manually settable fluid flow rate parameter (see e.g. Fig. 5) and time interval determination circuitry (see e.g. Figs. 29, 33A and col. 7, lines 48-58).

With respect to claims 2-9, Wissenbach et al. disclose the invention as claimed including a processor, the flow determining program, instructions, a visual display, an input device for entry of at least one parameter, a key pad, a storage of a fluid (see e.g. Fig. 5).

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With respect to claims 10-19, Wissenbach et al. disclose the invention as claimed including the schedule, instructions for producing a plurality of timed fluid delivery output signal,

instructions for entry and storage of a delivery schedule (see e.g. col. 9, lines 26-46), an input device coupled to the control circuitry (see e.g. col. 1, lines 21-32), a source of electrical energy, AC/DC power supply (see e.g. col. 4, lines 10-14), a replaceable battery (see e.g. col. 7, lines 16-17), an input port for receipt of a signal indicative of a depth of fluid in storage (see e.g. col. 10, lines 32-36), an audible output device and a input port for receipt of a signal indicative of a depth of fluid in storage and instructions for actuating the audible output device (see e.g. Figs. 20-30 and col. 16, lines 14-63).

With respect to claims 20-32 and 34-38, the limitations of these claims have been noted in the rejection above. They are therefore consider rejected as set forth above.

Applicant's arguments filed 09/16/2002 have been fully considered but they are not persuasive. Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., in one embodiment, a programmed processor executes a plurality of pre-stored instructions which provide for

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receiving and storing one or more estimated flow rates as well as keeping track of one or more pump operating time intervals. The estimated flow rates can be multiplied by the time intervals during which the respective pump is pumping fluid to produce an estimated quantity of delivered fluid. In yet another aspect of

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the invention, the circuitry can deliver an additive, for instance, chlorine, to a quantity of delivered fluid based on the estimated flow rate.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The rejection of claims 1-32 and 34-38 remains the same as the last office action.

#### **Conclusion**

4. Claims 1-32 and 34-38 are rejected.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, ~~the examiner's supervisor, John Barlow,~~ can be reached on (703)308-3126.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

(703) 308-7382 (for informal or draft  
communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington. VA.,  
Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703)305-4900.



**BRYAN BUI**  
**PRIMARY EXAMINER**

12/2/02

**HIEN VO**

December 01, 2002

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